IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1527 OF 2004

Kanchan Hanmant Gaikwad ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr.V.S.Talkute for Petitioner
Mr. R.M. Patne, A.G.P. for Respondent Nos.1,2 & 3
Mr. Shantaram R. Dheple for MR. R.V. More for Respondent No.5.

CORAM: H.L.GOKHALE &
SMT.R.S.DALVI,JJ.
DATED: 28TH JUNE, 2005

P.C.

1. Heard Mr. Talkute in support of this Petition. Mr. Patne, A.G.P. appears for Respondent Nos.1,2 and 3. Mr. Shantaram R. Dheple with Mr. R.V. More appears for Respondent No.5. Respondent No.4 is served.

2. The Petition is about the declaration of the results of D.Ed. course which the Petitioner has completed during the years 1999-2001.

3. **Rule.** Rule made returnable forthwith. The concerned Respondent No.4 has filed the affidavit in reply for Respondent Nos. 1 and 2.

4. The case of the Petitioner is that she belongs to the Mahadev Koli, Scheduled Tribes. She took

admission to this course on that footing. The Petitioner was informed by the Scrutiny Committee that as far as verification of caste certificate is necessary only in cases of students who apply to Medical and Engineering Colleges and not for others. That was the communication to the Petitioner earlier on 27th October, 1999. It however, appears that this was contrary to the Government Resolution dated 11th June, 1998 which is required for all the Tribes. In any case the Petitioner belongs to this Tribe has been examined subsequently and the same has been negatived, by order dated 9th October, 2001 by the Scrutiny Committee.

5. Mr. Talkute draws our attention to an order passed by another Division Bench in a some what similar case of one Vijaya Ramchandra Koli & Ors. in Writ Petition No.4593 of 2002 decided on 25th September, 2002. In that matter the Court had directed that marklists, Degree Certificates and other necessary documents of the concerned candidate be released. It was further directed that the Petitioner will not get the benefit of a particular Community unless the claim is verified by the competent authority. In the instant case the claim is already negatived. Mr. Talkute states that the Petitioner does not want to canvass that she belongs to the Mahadev Koli, Schedule Tribe. This being the position we direct the Respondents to release the marklist,

D.Ed. certificate and other documents of the Petitioner. The Petitioner will however be not entitled to claim any of the benefit as belonging to Mahadev Koli, Scheduled Tribe. She will be eligible to apply on the basis of this D.Ed. Certificate as belonging to which ever other community she belongs to.

6. Rule made absolute.

. Parties will act upon the certified copies of this order.

(H.L.GOKHALE,J.)

(SMT.R.S.DALVI,J.)